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JAMES BONINI
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

05 MAY -9 AM 10:50

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

STEVE RENNICK, SR.,)	
)	
Movant/Defendant,)	CV-1-05-0050
)	
vs)	CR-1-02-157-3
)	
UNITED STATES OF AMERICA,)	Hon. Susan J. Dlott
)	
Respondent,)	U.S. District Judge

MOVANT'S REPLY TO RESPONDENT'S
RESPONSE TO MOVANT'S MOTION TO
VACATE PURSUANT TO 28 USC § 2255

Comes the defendant, Steve Rennick, Sr., pro se, and does reply herein to Respondent's Response in Opposition to defendant's Motion to Vacate sentence pursuant to 28 USC § 2255 and does state as follows:

A. RESPONDENT CONCEDES DEFENDANT'S RIGHT TO DIRECT APPEAL:

Respondent has asked this court to deny defendant's Issues I - IV and grant defendant's V Issue by vacating and re-sentencing defendant to allow him to notice and pursue a direct appeal. In anticipation of such a ruling the defendant feels that all other issues contained in defendant's § 2255 motion would in fact be moot (at least for now), and, therefore, any traverse of

respondent's remarks in opposition would be an unnecessary waste of the court's resources.

In the event the court determines a favorable decision, allowing the defendant to file a direct appeal, the defendant would then ask the court to dismiss all other issues without prejudice, thereby allowing them to be brought forth again if necessary.

B. DEFENDANT SEEKS TO RETAIN RIGHT TO TRAVERSE

In the event the court should be inclined not to grant relief allowing the defendant to direct appeal, then the defendant would like to retain his right to traverse on all remaining issues prior to the court's ruling on the merits.

C. DEFENDANT WAIVES RIGHT TO ATTEND RESENTENCING

In the event that this court should agree to vacate defendant's sentence and reimpose his sentence for the purpose of allowing the defendant his direct appeal; and should the court intend to merely reimpose exactly the same sentence for the aforementioned reason, then the defendant would suggest that he would waive a formal resentencing hearing. He would further waive his right to be present and would request the court to merely vacate and resentence by order of the court.

Defendant makes this request partially because he is experiencing certain medical problems which are only aggravated by travel and housing away from the medical facility. Further, a new hearing and personal appearance will require the appointment by

the court of legal counsel as the defendant has expended his personal resources by which to obtain representation.

The defendant has been made aware that some courts will not resentence by any other means other than in person and should that be this court's position the defendant will gratefully comply.

D. NOTICE OF APPEAL

It is the defendant's express intention to file a proper and timely Notice of Appeal immediately upon notification of a resentencing. In the interest of preventing another lost opportunity, the defendant prays this court upon reimposition of defendant's sentence to order the Clerk of this court to file said Notice of Appeal and notify the defendant of its filing forthwith. In the event the defendant is notified of the resentencing and does not receive confirmation of the Notice of Appeal, he will immediately file same in a timely manner.

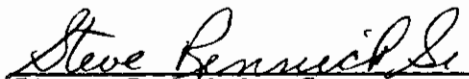
CONCLUSION

The defendant prays the court of the following:

- A. To vacate defendant's sentence.
- B. To reimpose defendant's sentence.
- C. To file a timely Notice of Appeal.
- D. All other just and proper relief.

Respectfully submitted,

May 3, 2005


Steve Rendick, Sr.
#04050-032 HCU
Federal Medical Center
P.O. Box 14500
Lexington, KY 40512

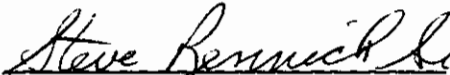
CERTIFICATE OF SERVICE

I, Steve Rennick, Sr., do hereby certify that the original and two true copies of the foregoing were ^{mailed to} ~~filed in person with~~ the Clerk of this Court, ^{Postage Prepaid} ~~by my sister, JoAnne Childress,~~ on this, the 3rd day of May 2005.

I further certify that a true copy of the foregoing was deposited into the United States Mail, first class postage prepaid addressed as set forth below on this, the 3rd day of May 2005.

May 3, 2005

AUSA Robert C. Brichler
221 East 4th Street
Suite 400
Cincinnati, OH 45202


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